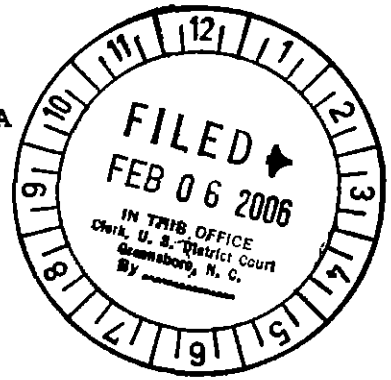


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



RODNEY LAWRENCE,)	
)	
Petitioner,)	
)	
v.)	1:05CV00387
)	1:02CR87-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

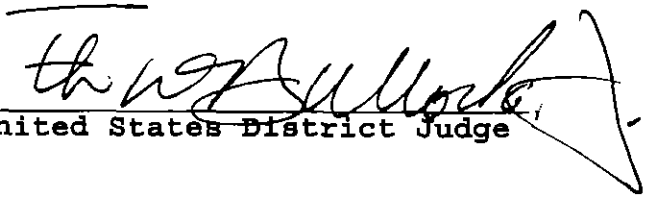
O R D E R

On November 15, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636. Respondent did file a response confirming it was not seeking a hearing and agreeing that the Judgment should be vacated and re-entered in order to start the appeal time running anew.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that petitioner's motion to vacate, set aside or correct sentence (docket no. 1) is granted on his claim that he received ineffective assistance of counsel by counsel failing to file a notice of appeal, and that petitioner's Judgment of Conviction entered on October 21, 2004 (docket no. 19 [criminal case]) is hereby vacated and is immediately re-entered on this date solely for the purpose of having the appeal time run anew.

IT IS FURTHER ORDERED that counsel be appointed for petitioner to assist in his filing a notice of appeal.


United States District Judge

February
~~January~~ 6, 2006